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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,865	05/10/2001	Bradley M. Hiben	CM04756H	5153

22917 7590 03/29/2004
MOTOROLA, INC.
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IL01/3RD
SCHAUMBURG, IL 60196

EXAMINER

LEE, JOHN J

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 03/29/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/852,865

Applicant(s)

HIBEN ET AL.

Examiner

JOHN J LEE

Art Unit

2684

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 2 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.Claim(s) objected to: NONE.Claim(s) rejected: 1-22.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

Continuation of 5. does NOT place the application in condition for allowance because: The applicant's arguments received on 3/12/2004 have been carefully considered but they are not persuasive because the combined teaching of all the cited references as set forth in the previous final rejection reads on all the claims..

Continuation of 10. Other: The applicant's arguments received on 3/12/2004 have been carefully considered but they are not persuasive because the combined teaching of all the cited references as set forth in the previous final rejection reads on all the claims.

In this case, for example, The Applicant argues that the combination of Rezaiifar et al. (US Patent number 6,526,030) and Cloffi et al. (US Patent number 5,838,799) do not teach the claimed limitation "receiving a multicarrier signal comprising a plurality of sub-channels, wherein each sub-channels occupies a discrete frequency band". However, Rezaiifar teaches mobile received the multicarrier signals (see Fig. 6 and column 13, lines 35-45) from the each base station (A,B,C) and the multicarrier signal comprises plurality of sub-channels such as traffic, fundamental, supplemental, and control channel (see Fig. 3 and 5) and Fig. 6 teaches discrete frequency band within carrier A, B, and C. The claim is not limited or required the time slot is divided the channels separated in frequency. Also, the ~~claim~~ limitation is not required that operating in first decoding mode refers to enabling reduced power consumption of the receiving device. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Lee whose telephone number is (703) 306-5936.


NAY MAUNG
SUPERVISORY PATENT EXAMINER